

Appl. No. 10/765,808
Amdt. Dated 10/25/2007
Response to Office Action of 09/07/2007

Attorney Docket No.: N1085-00256
[TSMC2003-0899]

REMARKS / ARGUMENTS

Claims 1-12 and 29-33 were previously pending in this application with claims 14-28 having been previously withdrawn from consideration. The Office Action rejects claims 1-12 and 29-33. In the present paper, claims 1, 8, 29, 30 and 33 are amended.

5 Applicants acknowledge with appreciation the opportunity given their undersigned counsel, Mark J. Marcelli, to discuss the claimed invention in a telephonic interview with Examiner Karla Moore that took place on September 28, 2007. As indicated in the Interview Summary mailed October 9, 2007, the Examiner agreed that the phrase "directly underneath" suitably describes the claimed relationship of features
10 discussed.

Applicants respectfully believe that each of pending claims 1-12 and 29-33 is in patentable form and therefore request re-examination, reconsideration and allowance of each of pending claims 1-12 and 29-33.

I. Claim Rejections – 35 U.S.C. 103

15 Each of claims 1-12 and 29-33 was rejected under 35 U.S.C. § 103, in various paragraphs of the subject Office Action. Each of these claim rejections is believed overcome for reasons set forth below.

Claims 1, 8, 29 and 33 are independent claims remaining after amendment and each has been rejected under 35 U.S.C. § 103(a) as follows:

20 * Claims 1-2, 4-7 and 29-33 were rejected as being unpatentable over Japanese Patent No. 2002009042 A to Kimura in view of Japanese Patent No. 2000208492 A to Yamashita and U.S. Patent No. 5,748,434 to Rossman et al.

* Claims 3 and 8 were rejected as being unpatentable over Kimura in view of Rossman. Each of these rejections is believed overcome for reasons set forth below.

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* Claim 33 was rejected as being unpatentable over Kimura in view of Yamashita, Rossman and Nagaiwa (Japanese Patent No. 2002016126).

None of the aforementioned references teach the feature of *"at least a portion of said focus ring substantially continuously extends directly underneath a peripheral portion of said chuck"*, such as recited in AMENDED independent claims 1 and 29 which are therefore distinguished from the references. The rejection of claims 1 and 29 under 35 U.S.C. § 103 should therefore be withdrawn. Claims 2, 4-7 and 9-12 depend from claim 1 and these dependent claims are therefore also distinguished from the references of record. Claim 30 has been amended to depend from independent claim 29 and claim 30 as well as dependent claims 31 and 32 are therefore also distinguished from the references of record.

None of the aforementioned references teach the feature of *"focus ring set including an upper focus ring that laterally surrounds said chuck and a lower focus ring disposed completely below said upper focus ring and directly underneath [a portion of] said substrate"* such as recited in AMENDED independent claims 8 and 33 which are therefore distinguished from the references of record, taken alone or in combination. The rejection of independent claims 8 and 33 under 35 U.S.C. § 103 and the rejection of claim 3, which depends from claim 8, under 35 U.S.C. § 103, should also be withdrawn.

In paragraph 27, dependent claims 9-12 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura, Yamashita and Rossman and further in view of Japanese Patent No. 20020161262 Nagaiwa et al. Claims 9-12 each depend, directly or indirectly, from Independent claim 1 which is distinguished from Kimura, Yamashita, Rossman and Nagaiwa, as above. Claim 1 and therefore dependent claims 9-12 are therefore distinguished from these references and as such, the rejection of

¹ Claim 33 only.

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claims 9-12 under 35 U.S.C. § 103(a) as being unpatentable over Kimura, Yamashita, Rossman and Nagaiwa, should additionally be withdrawn.

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CONCLUSION

Based on the foregoing, each of pending claims 1-12 and 29-33 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

5 Applicants respectfully submit that the claim amendments filed herein should be entered and considered for at least the following reasons: 1) the claim amendments discussed with Examiner Moore render the application in condition for allowance; and 2) such amendment requires no further search since the Examiner previously searched the broader limitation of "underneath".

10 The Assistant Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to Deposit Account 04-1679.

Respectfully submitted,

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